

EPI-00311

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Nyce J, W. : Docket No: EPI-00311
Serial. No.: : Group Art Unit: 1617
Filing Date: : Examiner: Dr. S. Jiang
For: COMPOSITIONS & FORMULATIONS WITH AN EPIANDROSTERONE OR
A UBIQUINONE & KITS & THEIR USE FOR TREATMENT OF ASTHMA
SYMPTOMS & FOR REDUCING ADENOSINE/ADENOSINE RECEPTOR LEVELS

#5A
u.u
3/1/02**RESPONSE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

1 - Restriction Response

Responsive to the Communication of September 25, 2001, applicant elects, with traverse, the invention designated by the examiner as Group 1. However, in view of the present amendments, the examiner is requested to also examine the dependent claims of Group II (in fact not a separate group now), and join the method of use claims upon a finding of allowable subject matter. In addition, the applicant elects COPD for searching purposes only.

2 - Amendment

Please amend the claims as indicated in the attachments.

REMARKS**1 - The Restriction Request**

The examiner required restriction under 35 USC 1.121, to one of the following groups of claims.

MEMORY TRANSMISSION REPORT

TIME : OCT-24-01 03:18PM
TEL NUMBER:
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FILE NUMBER : 679
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TO : 917033084556
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FAX COVER SHEET

To: Dr. S. Jiang Company: US FTO GAU 1617 Fax No: 703-306-4556

From: Viviana Amzel Date: 10/24/01 Time: _____
Direct Dial: (409) 609-3035 E-Mail: amzel@epigenesis.com
Pages including this: 21 Ref. No.: USN 69/841,426 (EPI-00311)

COMMENTS

Enclosed are a Response, and the marked-up and clean claims. Thanks.

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**EPIGENESIS
PHARMACEUTICALS**

7 Clarke Drive
Cranbury, New Jersey 08520

telephone 609 409 6080

facsimile 609.409 6126

FAX COVER SHEET

TO:
Dr. S. Jiang

COMPANY:
USPTO GAU 1617

FAX NO:
703-308-4556
703-308-4242

FROM: Viviana Amzel VA **DATE:** 02-20-02 **TIME:** _____

Direct Dial: (609) 409-3035 **E-Mail:** vamzel@epigene.com

TOTAL NO. OF PAGES: 20 **Our Reference No.:** EPI-00311
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COMMENTS

Re: Serial No. 09/841,426 ; Filed April 24, 2001

Enclosed please find the following:

- 1) Response
- 2) Claims (marked up)
- 3) Claims (clean)
- 4) Cover Sheet
- 5) Successful Fax Transmission Sheet dated October 24, 2001.

I am refaxing all the documents mentioned above, for your necessary action. The enclosed fax transmission sheet shows that these documents were faxed on October 24, 2001.

OFFICIAL

FEB 21 2002
GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1617
Serial No.: 09/841,426 : Examiner: Dr. S. Jiang
Filed: April 24, 2001 : Appl. Ref. No.: EPI-00311
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

COVER SHEET

Assistant Commissioner for Patents
Washington, D.C. 20231

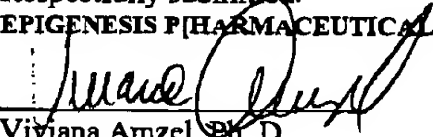
Sir/Madam:

Enclosed for filing are the following:

1. Response
2. Claims (marked up)
3. Claims (clean)
4. This cover sheet
5. Fax Cover Sheet

²⁴
October 25, 2001
Date

Respectfully submitted.
EPIGENESIS PHARMACEUTICALS, INC.


Viviana Amzel, Ph. D.

Reg. No. 30930
Attorney for Applicant(s)

7 Clarke Drive
Cranbury, NJ 08512
609-409-3035 Legal Dpt Ph.
413-254-9245 Legal Dpt Fax
Varnzel@EpiGene.com

I hereby certify that this correspondence is being faxed at
703-305-7939, to the Assistant Commissioner for Patents,
Arlington, VA 22202, on October 25, 2001, by Rashida Haji.


SIGNATURE

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